

**REMARKS**

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Amended claims 1-29 are in this application.

At paragraph 1 of the outstanding Final Office Action of December 15, 2003, the Examiner rejected claims 1-29 under 35 U.S.C. §102(e) as being anticipated by Alexander (U.S. Patent Application 2002/0030683). Applicants respectfully traverse the rejection.

Amended independent claim 1, recites in part, “An oscilloscope apparatus, comprising...a user interface for...**displaying only the most common items of said toolbar that apply to the selected data signal determined by the characteristics of the selected data signal, the selected data signal being defined as the data source for the items of the toolbar.**” (Underlining and Bold added for emphasis.)

It is respectfully submitted that the reference relied upon by the Examiner does not teach the above-recited feature of amended independent claim 1.

In the present invention, the user selects a data signal and the system then displays on a toolbar the most common items that are associated with the selected data signal based upon one or more characteristics of the selected signal. When a user selects a further item from the displayed toolbar after having selected a particular data signal, the system automatically defines the data signal as the source for the selected item. As a result, selecting an icon from the toolbar will cause an item associated with the icon to be implemented, using the selected data signal as the data source, or object to be acted upon. In other words, the toolbar items are determined by the characteristics of the selected data signal and not only is the toolbar specific for the type of selected item displayed, but the items in the toolbar apply only to the specific instance of the selected type of data signal. Therefore, the selected data signal becomes the source of operation implemented by an item selection on the toolbar.

In contrast, Alexander discloses toolbar items that are defined in a different manner. Alexander's objective is to generate a graphical annotation label containing desired data and then graphically position the annotation label at any desired location on the measurement display (page 2, paragraph 0018). However, if a user clicks on any annotation label on the measurement display, then a generic pop up menu that pertains to any selected annotation label on the display will allow a user to modify the selected annotation. In other words, if a user selects different annotation labels on the display, the same generic pop up menu with the same item selections will appear when any of these annotation labels are selected. As a result, the pop up menu items do not change in accordance with the selected annotation. Therefore amended independent claim 1 is believed to be distinguishable from Alexander.

For reasons similar to those described above with regard to amended independent claim 1, amended independent claims 18, 24, 28 and 29 are also believed to be distinguishable from Alexander.

Furthermore, applicants submit that claims 2-17, 19-23 and 25-27 depend, either directly or indirectly, from one of amended independent claims 1, 18 and 24, and are therefore distinguishable for this reason alone.

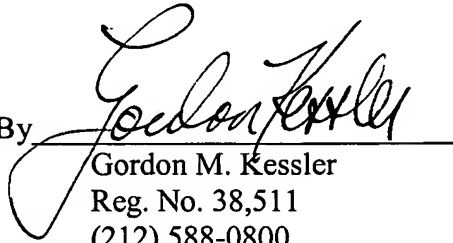
Applicants therefore respectfully request that the rejection of claims 1-29 under 35 U.S.C. §102(e) be withdrawn.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicants undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference, there is a basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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